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APPLICANT(S): GLUKHOVSKY, Arkady
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REMARKS

Applicant respectfully requests reconsideration of the above-identified application in view on the foregoing amendments and following remarks. Applicant requests entry of this amendment because the amendment places the pending claims in condition for allowance or in better condition for appeal.

Status of Claims

Claims 21-34 have been withdrawn. Accordingly, Claims 1-20 are now pending in this case.

Claim Rejections

35 U.S.C. § 102 Rejections

In the paragraphs bridging pages 2 and 3 of the Office Action, the Examiner has rejected Claims 1,2,4,9,11,12,14, and 19 under 35 U.S.C §102 (b) as being anticipated by Shan et al. (U.S. Patent No. 5,984,860), rejected Claims 1,2,5,6,11,14,15, and 16 under 35 U.S.C §102 (b) as being anticipated by Madni et al. (U.S. Patent No. 6,007,482), rejected Claims 1,2,3, and 11-14 under 35 U.S.C §102 (e) as being anticipated by Kim et al. (U.S. Patent No. 6,719,684), rejected Claims 1,9,10,11,14,19, and 20 under 35 U.S.C §102 (b) as being anticipated by Kovacs et al. (U.S. Patent No. 5,833,603), and rejected Claims 1,5-8,11, and 14-16 under 35 U.S.C §102 (e) as being anticipated by Snow (U.S. Publication No. 2002/0198440). It is respectfully submitted that the invention as recited in the claims is not anticipated by any of the above references and consequently the rejection should be withdrawn.

Applicant's invention is generally directed to an in-vivo device comprising a spherical housing. The adjective "substantially" has been deleted from the claims.

The Examiner has identified element 10 in the Shan reference as being a substantially spherical housing, element 10 in the Madni reference as being a substantially spherical housing, element 20 in the Kim reference as being a substantially spherical housing, element 44 in the Kovacs reference as being a substantially spherical housing, and element 10 in the Snow reference as being a substantially spherical housing. The attention of

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the Examiner is respectfully directed to the figures which show each of the identified elements 10 as being cylindrical, not spherical as now claimed.

Thus, the Shan reference, the Madni reference, the Kim reference, the Kovacs reference, and the Snow reference individually or collectively with any other reference do not teach or describe Applicant's invention. For the foregoing reasons, Applicant's invention is patentable over the references of record and the rejections under 35 U.S.C. § 102 should be withdrawn. Such action is respectfully requested.

Conclusion

In view of the foregoing, Applicant submits that Claims 1-20 clearly distinguish over the prior art of record and are in condition for allowance. Favorable consideration and passage to issue of the present application is therefore respectfully requested.

The Examiner is invited to telephone the undersigned to discuss any still outstanding matters with respect to the present application.

Please charge or credit any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



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